

1 WRIGHT, FINLAY & ZAK, LLP  
2 Robin Prema Wright, Esq.  
3 Nevada Bar No. 009296  
4 Donna M. Osborn, Esq.  
5 Nevada Bar No. 006527  
6 5532 South Fort Apache Road, Suite 110  
7 Las Vegas, NV 89148  
8 (702) 475-7964; Fax: (702) 946-1345  
9 [rwright@wrightlegal.net](mailto:rwright@wrightlegal.net)  
10 [dosborn@wrightlegal.net](mailto:dosborn@wrightlegal.net)  
11 *Attorneys for Defendants,*  
12 *Mortgage Electronic Registration Systems, Inc. and OneWest Bank, FSB*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11  
12 RICKY DEWAINE FITZGERALD

13 Plaintiffs,

14 vs.

15 CLARION MORTGAGE CAPITAL, a  
16 California Corporation; MORTGAGE  
17 ELECTRONIC REGISTRATION SYSTEMS,  
18 INC. (MERS); FIRST AMERICAN TITLE  
19 COMPANY; FIRST MERIDIAN  
20 FORECLOSURE SERVICE; MTDS, INC. a  
21 California Corporation dba MERIDIAN  
22 TRUST DEED SERVICE; ONEWEST BANK,  
23 FSB, STANLEY SILVA, individually; and  
24 DOES 1-25 CORPORATIONS; DOES and  
25 ROES 1-25 INDIVIDUALS (Partnerships, or  
26 anyone claiming any interest to the property  
27 described in the action].

28 Defendants.

Case No.: 3:10-cv-00766-RCJ-RAM

**ORDER GRANTING DEFENDANTS' EX  
PARTE MOTION TO EXPUNGE  
PLAINTIFF'S LIS PENDENS**

26 In accordance with the Order entered on January 31, 2012 dismissing the Complaint  
27 [Dkt. 55], Defendants Mortgage Electronic Registration Systems, Inc. ("MERS") and OneWest  
28 Bank, FSB ("OWB") and pursuant to the pending Ex Parte Motion to Expunge Lis Pendens,

1 Defendants are entitled to an Order from the Court expunging the lis pendens filed against the  
2 property which is the subject of this action.

3 The Court finds that Plaintiffs recorded a Notice of Lis Pendens Affecting Real  
4 Property ("Lis Pendens") on or about October 20, 2010, as Instrument Number 3935000 in real  
5 property located at 8610 Malibu Drive, Reno, NV 89506, legally described as:

6 LOT 2406 OF SILVER SHORES-UNIT 24, ACCORDING TO THE MAP THEREOF  
7 FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY,  
8 STATE OF NEVADA, ON MAY 14, 1998, AS FILE NO. 221073, AND AS TRACT  
NO. 3532.

9 APN: 090-391-06.

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11 Upon consideration of Defendant's Motion to Expunge the above-referenced Lis Pendens  
12 and good cause appearing therefore, the Court hereby grants Defendant its requested relief and  
13 rules as follows:

14 **IT IS ORDERED, ADJUDGED AND DECREED** that the above-referenced Lis  
15 Pendens is hereby expunged and shall hereafter have no further force or effect.

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Order  
17 canceling the above referenced Lis Pendens has the same effect as an expungement of the  
18 original Lis Pendens.

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